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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

* * * *

UNITED STATES OF AMERICA)
v.)
Plaintiff,)
v.)
CHARLES BURTON RITCHIE, and)
BENJAMIN GALECKI,)
a/k/a ZENCENSE BEN)
RYAN MATTHEW EATON,)
Defendant.)

)

CASE NO: 2:15-cr-285-APG-PAL
STIPULATION TO CONTINUE
PRETRIAL MOTION DEADLINES
[PROPOSED ORDER]

IT IS HEREBY STIPULATED and AGREED by and between James E. Keller, Assistant United States Attorney, Charles Anthony Miracle, U.S. Department of Justice, Cole Arnold Radovich, U.S. Department of Justice, and David Z Chesnoff, Esq., and Richard A. Schonfeld, attorney for Defendant, Benjamin Galecki and John Lloyd Snook, III, Esq., attorney for Defendant, Charles Burton Ritchie, and Shawn R. Perez, Esq., attorney for Defendant, Ryan Matthew Eaton, that Defendants shall have to and including February 23, 2018, within which to file the Defendant's pretrial motions.

1 **IT IS FURTHER STIPULATED AND AGREED**, by and between the parties herein,
2 that the government shall have to and including, March 16, 2018, within which to file any and all
3 responsive pleadings.

4 **IT IS FURTHER STIPULATED AND AGREED**, by and between the parties herein that
5 the Defendant shall have to and including, March 26, 2018, within which to file any and all replies
6 to said motions.

7 That the calendar call scheduled for May 15, 2018 at 8:45 a.m. in this matter will
8 commence on the scheduled date and time and is not impacted by this Stipulation. That the trial
9 in this matter currently scheduled for May 21, 2018, at the hour of 9:00 a.m., will commence on
10 the scheduled date and time and is not impacted by this Stipulation.

11 While the parties agree to the above stated extensions of deadlines the parties disagree on
12 whether grounds asserted on prior motions briefed before the court can or cannot be filed at this
13 juncture, which this stipulation does not address.

14 Accordingly,

15 This Stipulation is entered into for the following reasons:

16 1. That Counsel for the Defendants need additional time to finalize the pretrial
17 Motions that they anticipate filing;

18 2. That Counsel for Defendant Ritchie will be out of the Country starting February
19 8, 2018, returning to his office on February 19, 2018;

20 3. That Counsel Schonfeld has been in communication counsel for the co-defendants
21 and counsel for the government and there is no objection to the continuance as outlined above;

22 4. For all the above-stated reasons, the ends of justice would best be served by a

continuance of the parties' motions deadline, response deadline, reply deadline;

5. Denial of this request for continuance of the pretrial motions deadline would deny counsel for Defendant sufficient time within which to be able to adequately research, prepare, and submit for filing appropriate motions taking into account the exercise of due diligence;

6. Additionally, denial of this request for continuance would result in a miscarriage of justice;

7. For all the above-stated reasons, the ends of justice would best be served by a continuance for the parties' pretrial motions, response deadline and Reply deadline;

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1 8. This is Counsel Schonfeld's third request for continuance of the pretrial motions,
2 response deadlines and Reply deadline on behalf of the Defendant Galecki; however, the request
3 should not impact the trial date.
4

5 **DATED** this 9th day of February, 2018.
6

7 **UNITED STATES ATTORNEY**

8 **CHESNOFF & SCHONFELD**

9 _____
10 /s/
11 **JAMES E. KELLER, AUSA**
12 100 West Liberty
13 Reno, Nevada 89501
14 Attorney for Plaintiff

15 _____
16 /s/
17 **DAVID Z. CHESNOFF, ESQ.**
18 Nevada Bar No. 2292
19 **RICHARD A. SCHONFELD, ESQ.**
20 Nevada Bar No. 6815
21 520 South Fourth Street
22 Las Vegas, Nevada 89101
23 Attorney for Defendant,
24 Benjamin Galecki

25 _____
26 /s/
27 **COLE RADOVICH** / Trial Attorney
28 Narcotic and Dangerous Drug Section
29 Criminal Division / U.S. Department of Justice
30 145 N Street NE / Second Floor, East Wing
31 Washington D.C. 20530

32 _____
33 /s/
34 **JOHN LLOYD SNOOK, III**
35 Snoot & Haughey, P.C.
36 408 East Market Street, Suite 107
37 Charlottesville, Virginia 22902
38 Attorney for Defendant, Charles Burton Ritchie

39 _____
40 /s/
41 **SHAWN R. PEREZ, ESQ.**
42 Law Office of Shawn R. Perez
43 626 South Third Street
44 Las Vegas, Nevada 89101
45 Attorney for Defendant, Ryan Matthew Eaton

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

Based upon the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. That Counsel for the Defendants need additional time to finalize the pretrial Motions that they anticipate filing;
2. That Counsel for Defendant Ritchie will be out of the Country starting February 8, 2018, returning to his office on February 19, 2018;
3. That Counsel Schonfeld has been in communication counsel for the co-defendants and counsel for the government and there is no objection to the continuance as outlined above;
4. For all the above-stated reasons, the ends of justice would best be served by a continuance of the parties' motions deadline, response deadline, reply deadline;
5. Denial of this request for continuance of the pretrial motions deadline would deny counsel for Defendant sufficient time within which to be able to adequately research, prepare, and submit for filing appropriate motions taking into account the exercise of due diligence;
6. Additionally, denial of this request for continuance would result in a miscarriage of justice;
7. For all the above-stated reasons, the ends of justice would best be served by a continuance for the parties' pretrial motions, response deadline and Reply deadline;

8. This is Counsel Schonfeld's third request for continuance of the pretrial motions, response deadlines and Reply deadline on behalf of the Defendant Galecki; however, the request should not impact the trial date.

ORDER

IT IS HEREBY ORDERED that the parties herein shall be have to and including February 23, 2018, within which to file any and all pre-trial motions.

IT IS FURTHER ORDERED that the parties herein shall have to and including March 16, 2018, within which to file any and all responsive pleadings.

IT IS FURTHER ORDERED that the parties herein shall have to and including March 26, 2018, within which to file any and all replies.

IT IS FURTHER ORDERED that the calendar call scheduled for May 15, 2018 at 8:45 a.m. in this matter will commence on the scheduled date and time and is not impacted by this Stipulation. That the trial in this matter currently scheduled for May 21, 2018, at the hour of 9:00 a.m., will commence on the scheduled date and time and is not impacted by this Stipulation.

DATED this 12th day of February , 2018.

Submitted by:

RICHARD A. SCHONFELD, ESQ.

UNITED STATES DISTRICT JUDGE